

# BOARD OF JUVENILE JUSTICE SERVICES MEETING

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This meeting was conducted on November 3, 2008, at the DHS Administration Building,  
120 North 200 West, Suite 304, scheduled to begin at 9:00 a.m.

**BOARD MEMBERS PRESENT:** Kirk Allen, Chair  
Mark Bezzant, Vice Chair  
Jody Valantine, Member  
Veronica Thomas, Member  
Robert Flores, Member  
David Christensen, Member

**BOARD MEMBERS EXCUSED:** None

**STAFF MEMBERS PRESENT:** Dan Maldonado, Director  
Judy Hammer, Administrative Secretary  
Gaby Anderson, Deputy Director  
Rick Platt, Office of Administrative Services  
Cecil Robinson, Office of Community Programs  
Julie Shaheen, Office of Correctional Facilities  
Malcolm Evans, Office of Rural Programs  
Salvador Mendez, Office of Early Intervention Services  
Jackie Southwick, Mill Creek Youth Center  
Lisa-Michele Church, DHS Executive Director  
Duane Betournay, Director, DCFS  
Ray Wahl, Juvenile Court Administrator

## 1. WELCOME & INTRODUCTIONS

Mr. Kirk welcomed those in attendance. The meeting began at 9:05 a.m.

### 1.1 Minutes of August 14, 2008

➡ Mr. Flores motioned that the Board accept the minutes as presented. Mr. Christensen seconded the motion and it passed unanimously.

### 1.2 Review Action Items

There were no Action Items to Review.

## 2. ACTION

### 2.1 Policy and Procedures

Mr. Maldonado introduced Jackie Southwick, Chair of the JJS internal policy committee. Ms. Southwick has been invited to this meeting to observe the Board's process in reviewing policy.

#### 01-01 Development, Coordination and Approval of Policy and Procedures

Mr. Flores questioned to whom do the policies apply. His understanding from reading through the material is that those affected by the policies are staff. His sense is that, in some cases, the policies may also affect visitors, volunteers, parents, and juveniles. In that case, he asked if the policies should be made available to other people besides JJS staff. Ms. Southwick answered by stating that policy is typically written for staff to the degree that we can control and enforce it. Mr. Maldonado said that for the purpose of policy and rule development and enforcement, volunteers are regarded as unpaid employees. They, therefore, fall under the developed policies, and are bound by such. With that exception, policy is written for staff. Mr. Kirk asked if policies should be broad enough to be inclusive for covering anyone who has contact with JJS clients. Mr. Flores said that he was thinking specifically of volunteers, juveniles in custody, and parents. He asked how those people would find out about the rules by which they must abide,

and asked if policy should be written with that population in mind. Mr. Maldonado stated that there are various forums that address these issues. There are grievance procedures in place for parents and juveniles in the event of appeal. All policies are public document. When a juvenile and parents are brought into a facility, rights and responsibilities are routinely reviewed with them. Dr. Bezzant added that parents could potentially view copies of policy and procedures in the main office. Ms. Thomas asked if the original question was "are all policies developed for staff or others?" She feels the question is too broad, and she would like each policy considered individually and on its own merit. Mr. Maldonado said that if there were unanswered questions from parents on the conditions of confinement or grievances around a lack of care, visiting rights, etc., the division would most certainly be made aware of those concerns. He added that brochures are posted in all facilities and made available to parents and youth alike. He believes that there is an abundance of information for any and all who have questions. Rights and responsibilities are reviewed routinely, and youth sign a document stating that they understand what they can and cannot do, in particular with regard to their grievance rights. In the event of the infrequent grievance, there is an appellate process through Administrative Hearings. Mr. Flores once again asked if policy should be written to match practice. Ms. Valentine mentioned that posting the on-line availability would suffice. Discussion regarding this particular policy statement took place. Ms. Anderson said that the intent of the policy statement is to direct staff. The procedure governs how staff will do their jobs. Staff must follow the policy as it is written.

Mr. Flores suggested an amendment to the policy statement as follows: "Policy and procedures affect all staff and volunteers and in some instances juveniles and their families. Therefore policy & procedures shall be readily available to all JJS staff, volunteers, juveniles and their families."

Discussion followed the suggestion, resulting in the following motion:

➡ **Ms. Valentine motioned that the Board accept policy 01-01 as it is currently written. Mr. Christensen seconded the motion and it passed by a majority vote, with two nay votes by Mr. Flores and Dr. Bezzant.**

Mr. Flores asked if there would be a follow up discussion from the last Board meeting on vendors providing services under contract to answer 1) the extent that they are bound by these policies and procedures; and 2) how they are notified about changes to policy after the initial contract is signed. Mr. Maldonado stated that contract monitoring staff assures us that the providers are on a list that is routinely notified regarding changes to policy. The providers are bound by policy as they are notified regarding changes.

#### 05-01 Reporting, Locating and Apprehending Absconders

Mr. Maldonado led a discussion on absconded youth. Juveniles who have absconded are taken back into custody. The primary mechanism is through contacting police agencies for their assistance. Dr. Bezzant asked why the word "absconder" is used instead of "escapee," to which Mr. Maldonado explained the difference between the two words. Mr. Kirk asked for an explanation of the word "insure" vs. "ensure." Discussion followed. Dr. Bezzant asked for clarification on who provides the written permission for a juvenile to leave a program. Ms. Thomas pointed out that juveniles are under the supervision of JJS or their designee, which adequately covers this question.

➡ **Ms. Valentine motioned that the Board accept 05-01 as it is presented. Ms. Thomas seconded the motion and it passed unanimously.**

#### 05-09 Evidence

Ms. Thomas asked if this was a policy previously approved in the May 7, 2008. Ms. Hammer researched the issue during the meeting and it was determined that the policy statement has been previously approved, with suggestions made for changes to procedure. The policy will be returned to the Policy and Procedure committee for their review. It will not be necessary for this policy to be brought to the Board again.

#### 05-11 Youth Property Control

Mr. Maldonado discussed the need for this policy. The division handles many clients throughout a year's time. He

explained that each client must submit all personal items when they are booked into the system. As such, inventory control is necessary (safes for valuables, etc.). Mr. Flores suggested that the following changes be made:

- Change "youth" to "juvenile" throughout all policies
- Specifically, change 05-11 title from "Youth Property Control" to "Juvenile Property Control"

➡ **Ms. Valentine motioned that the Board accept 05-11, with the changes suggested above. Ms. Thomas seconded the motion and it passed unanimously.**

#### 05-15 Requests by Law Enforcement

Mr. Maldonado said that this policy dictates the terms and conditions under which law enforcement can come into a detention center to interview juveniles. Mr. Flores asked about the scope of the policy. Specifically, there were questions on:

- The difference between misconduct and delinquency (dealing with staff or with juveniles). Mr. Maldonado stated that this policy deals with misconduct with juveniles.
- The policy has a definition of an investigations team, which suggests staff misconduct. Ms. Southwick stated that this policy could use some clarification if it implies investigation of staff as well as juveniles.
- After discussion, it was determined that this policy will be sent back to the Policy and Procedure committee for clarification on the intent of the policy - is the policy intended to govern investigation of outsiders as well as youth in custody (staff member, parent, any other person)?
- The policy statement is not consistent with the definitions in the policy.
- There should be clarification on who is being investigated, not only wrongdoing by a juvenile who is in custody, but also by a staff member who may be accused of abusing the juvenile or of an outsider (parent, stranger, etc.).
- The policy statement should be revised (not only misconduct by a juvenile). The first sentence is okay, the second sentence points to a juvenile only.
- Definition A should be removed.

➡ **Ms. Valentine motioned that this policy be tabled and sent back to the Policy and Procedure committee. Dr. Bezzant seconded the motion and it passed unanimously.**

#### 05-20 Law Enforcement Involvement

Mr. Maldonado stated that the intent of the policy is to guide decision making in the case of emergencies. Mr. Flores suggested that instead of "division employees", say "division staff shall contact...." for consistency. He further suggested that "significant risk of danger to staff" be amended to state "danger to staff, volunteers, juveniles, or visitors."

➡ **Mr. Flores motioned that the Board accept 05-01 as amended above. Ms. Valentine seconded the motion and it passed unanimously.**

#### 06-03 Information Transfer

Mr. Maldonado said this is a policy requiring case management to communicate information from files to any program (JJS or contracted program). This takes the place of sending the case management file, and ensures that others get the information to work most effectively with the juvenile. This is a change from the past "Traveling File." Mr. Flores suggested adding "such transfers shall be conducted with due regard to maintaining confidentiality of sensitive information."

➡ **Mr. Flores motioned that the Board accept 06-03 with the amendments listed above. Ms. Valentine seconded the motion and it passed unanimously.**

Dr. Bezzant asked for clarification on the procedure of moving information, to which Mr. Maldonado explained the three tiered system, clarifying that there is very little electronic transfer of files. There was discussion on the

possibility of electronic transfer. To date, there has not been architecture for a system that will maintain the level of confidentiality needed. Retention schedules were reviewed.

#### 07-01 Medical and Dental Services

Mr. Maldonado stated that this policy deals with the need for health care for juveniles to be handled in a timely manner. Quality of service was discussed. Dr. Bezzant asked about health contracts, to which Mr. Maldonado responded that the division works to find the best quality of care in contracted providers. It is more difficult in rural areas to find the quality of care that is found across the Wasatch front. Budgetary issues were discussed (percentage of budget that goes toward health care, Medicaid issues).

➡ **Mr. Christensen motioned that the Board accept 07-01 as presented. Ms. Thomas seconded the motion and it passed unanimously.**

#### 07-02 Emergency Medical Care

Mr. Flores suggested that a sentence be added at the end of the policy statement that says: "Staff shall seek from appropriate adults consent for emergency medical services when feasible, but are authorized to give all needed consent for services when needed to prevent serious harm to juveniles."

➡ **Ms. Valentine motioned that 07-02 be accepted with the amendment above. Ms. Thomas seconded the motion and it passed unanimously.**

#### 07-04 Medical and Dental Records

Mr. Flores suggested that we add to the policy statement at the end "and shall ensure that those records are maintained with appropriate privacy."

➡ **Mr. Flores motioned that the Board accept the policy with the amendment above. Ms. Thomas seconded the motion and it passed unanimously.**

Ms. Southwick was invited to report to the Board on any items of interest she feels would give the Board an insight to the policy and procedure process within the division. She started by saying that she appreciates the feedback she receives. She outlined the P&P committee review schedule. She also discussed substantive vs nonsubstantive changes. Mr. Maldonado further stated that the division is in the process of blocking policies for review to better facilitate the Board's review. Additionally, it was suggested that if Ms. Southwick would electronically send policies for review in advance of a meeting, Board members could offer suggestions, changes could be made, and a final product could be available in the quarterly Board meeting for a vote. Mr. Maldonado said that a new review schedule will be created to accommodate the new system. Mr. Flores expressed some confusion on the "revision date." He recommended that the revision date be changed to reflect the date the policy statement was approved by the Board, along with another date that reflects what has happened with the procedures. Mr. Maldonado stated that changes will be reviewed by the policy and procedures committee and division administration.

➡ **Ms. Valentine motioned that Ms. Southwick's report be accepted as presented. Mr. Christensen seconded the motion and it passed unanimously.**

### **3. REPORTS**

#### 3.1 Department Report

Lisa-Michele Church, DHS Executive Director, began by stating that she was pleased to be with the JJS Board this day. She stated that the state is in a budget crisis. She would like to update the Board on ways the department is handling the issue. She would like to get thoughts from the Board, and then empower Board Members to do their best thinking on this critical issue. Revenues are down for state collections. In September, numbers had gone down so much that there was a special session called, and cuts were made to our budget. Some of the cuts were retroactive back to July 1, 2008. She divided cuts into three categories: painful, crippling, and catastrophic. The department is now facing

more cuts in January, with no new funding. Difficult decisions are ahead, and Ms. Church stated that the Legislative Fiscal Analyst has asked for 5 and 10 percent scenarios. She has proposed to the Governor that Human Services should be treated differently than other agencies due to the nature of the work we do. She reviewed her thought process - we manage to metrics which guides everything. She referred to the Balanced Score Card, most specifically mentioning those dealing with JJS. If a cut starts to affect the metrics in an agency, it is going too far into the muscle. She also distributed a visual, a copy of which is attached to the master set of minutes, and is available upon request. She reviewed it in detail:

- Purple - Reduce administrative expenses but protect accountability and monitoring
- Pink - Check for efficiencies or organizational changes that reduce costs
- Blue - Stop bringing new people into services
- Green - Cut preventive programs instead of acute
- Yellow - Check for impact on federal funding
- Orange - Check for impact on state and local agencies or contract providers
- Red - Cut people from existing acute services

She stated that this situation has put her in a precarious position, and puts her at a loss of ability for making decisions. Her theme will be stakeholder engagement to get the message out about the cuts, and the effects of those cuts. Ms. Church welcomes input or thoughtful analysis of the cuts she proposes. The decisions that face her pit one agency against another. \$29 million worth of cuts will put her into the orange and red areas of the target graphic she distributed. She asked the Board for their involvement in getting the word out.

Mr. Allen asked for specific areas that the Board should cover as they talk to legislators. Ms. Valentine said that Board involvement in the past has been helpful, and she has seen good results from their efforts. Ms. Church said that "one on one" contacts have proven to be successful. JJS is in a separate committee than the rest of DHS. The realm of public safety is a healthy place to be when asking for money. This is the time to make the argument that these are the core functions of government. In a time of budget cuts, there will be pain. Don't ask for sympathy or compassion. Stress results, metrics, core community safety and cost investment analysis. She said that the Governor is optimistic about the future of the economy in the state. While the Governor proposes a budget, the legislature makes final decisions. Dr. Bezzant asked for extra sensitivity to the needs of the clients served by the department. Lisa-Michele explained that the legislature is looking strictly for a cost investment analysis. Discussions on potential strategies took place. Details on that discussion are available upon request. The bottom line is that Ms. Church is willing to make the needed cuts as instructed by the legislature, but she feels it is necessary to have them realize the consequences of whatever cuts they decide on. Ms. Valentine encouraged the Board to make calls in December, prior to the January start of the legislative session, to educate their legislators on the key issues. Mr. Maldonado stated that it is important for legislators to know that the department/division is conservative in the way the budget is approached, but we are at a point where the cost benefit analysis doesn't work if they continue to cut. Ms. Church added that she would argue to maintain funding for the core government functions (courts, human services, health, corrections). Education and roads have separate funding streams. She will continue to advocate for human services. She offered to come back to visit with the Board upon request. Dr. Bezzant, on behalf of the Board, saluted Ms. Church and the thoughtful and rational approach she has taken to the budget issue.

➡ **Mr. Flores motioned that the Board accept Ms. Church's report. Dr. Bezzant seconded the motion and it passed unanimously.**

### **3.2 SLVDT Report**

Ms. Anderson reviewed the background of the contract/lawsuit with Salt Lake Valley Detention Center (SLVDT). The bottom line is that the lawsuit has been resolved and the contract has been awarded to Cornerstone, effective October 1, 2008. She reviewed the transition process, and thanked Ms. Shaheen for her part in making that process run smoothly. Staff retention and vacant positions were discussed.

➡ **Dr. Bezzant motioned that the Board accept the report as presented. Mr. Christensen seconded the**

motion and it passed unanimously.

### **3.3 Budget Report**

Mr. Platt reviewed the following items with regard to budget within the Division:

- 88% of the budget is either personnel related or payments to private providers
- The only increases received last year were related to personnel and providers
- To do the same job it is costing more money
- We are, therefore cutting real programs in this round of cuts
- Cuts to receiving center in Vernal discussed
- Cuts to state supervision discussed
- Closed a pod at MCYC
- Closed Reflections program
- Non lapse money discussed for one time savings
- Cuts to contracted providers
- Impact of cuts to the Division
- Additional cuts in the near future

Mr. Maldonado reviewed the feedback he has received from judges and legislators in the Vernal area. Mr. Wahl outlined some of the decisions, with a potential of using federal grants to assist with these issues. Mr. Maldonado said that there is a meeting scheduled tomorrow to speak with the legislative analyst regarding some of these topics. He promised to keep the Board up to date as further decisions/cuts are made.

➡ **Mr. Flores motioned that the Board accept the report as presented. Mr. Christensen seconded the motion and it passed unanimously.**

### **3.4 Allied Agencies**

Mr. Maldonado introduced Ray Wahl, Juvenile Court Administrator, and Duane Betournay, DCFS Director. He asked them to attend to offer a different perspective from our allied agencies, specifically with regard to how their agencies interact with JJS.

Mr. Betournay said the JJS and the courts are two strong and significant partners with DCFS. They join hands in dealing with youth and children who find themselves in situations that are beyond their control. Very often the reason juveniles become involved with JJS is because they didn't receive the attention they needed, or received negative attention, as young children. He said it is frequently difficult to see where one agency ends and the other begins. Mr. Betournay offered a report on the following items:

- Budget cuts in the DCFS system to potentially include:
  - ✓ Thirty four FTE's eliminated (to include clinical staff)
  - ✓ Eliminate Child Protective Services for out of home perpetrators
  - ✓ Eliminate Family Preservation Services positions
  - ✓ Five FTE's from the Administrative Office
  - ✓ Consolidating the contracting process
  - ✓ Eliminating travel, food at meetings, conference attendance
  - ✓ Eliminate desk phones where the employee has a cell phone
  - ✓ Eliminate phone jack port charges in conference rooms
  - ✓ Eliminate the Foster Care Citizen Review Board

DCFS is working on the following:

- Working closely on their volunteer network to continue some services
- Eastern region - working on a resolution to assist Judge Steele to meet the needs of community
- Working closely with DJJS to make sure everything works

Mr. Wahl distributed a copy of potential budget reductions in the Juvenile Court. A copy is attached to the

master set of minutes. He reviewed the document as follows:

- The Court is a separate branch of government under the Judicial Council and the Board of Juvenile Court Judges (that make policy and budget reductions)
- Budget reductions from the legislature are from general fund
- FY09 cuts - \$3.5 million; FY10 cuts - \$4.4 million
- Juvenile Court is very heavily general fund money
- 95% staff are paid by general fund
- Impacts on the Juvenile Court budget for FY09 and FY10
- The future includes additional budget cuts
- Areas to be affected most heavily are state supervision and probation staff
- Mr. Betournay and Mr. Maldonado regularly attend the Board of Juvenile Court Judges

Mr. Maldonado thanked Mr. Betournay and Mr. Wahl for their reports. He said that it is important to realize that both agencies will affect JJS significantly.

➡ **Dr. Bezzant motioned that the Board accept the report as presented. Mr. Christensen seconded the motion and it passed unanimously.**

### **3.5 Fatality Review**

Dr. Bezzant serves as the representative from Board on the DHS Fatality Review committee. The committee reviews cases in the department where there have been deaths. He referred to the Executive Summary, stating that there were 134 in the last year. He said this has been a sobering experience to serve on this committee. He found great comfort in the concern expressed by staff over the welfare of each child. He was deeply impressed with the effort made within the department and division to reach the children and make a difference in their lives. He stated that there was due diligence exercised in the care of each case. This document will be brought back to the next meeting for further review. Because of confidentiality concerns, the document was turned back in to administration, and will be available 30 minutes prior to start of the next meeting.

➡ **Dr. Christensen motioned that the Board accept the report as presented. Mr. Flores seconded the motion and it passed unanimously.**

## **4. INFORMATION**

### **4.1 News Articles, Calendar**

The next meeting will be held March 9, potentially in St. George.

### **4.2 Board Member Concerns**

## **5. ADJOURN**

➡ **Mr. Flores motioned that the meeting be adjourned. Dr. Bezzant seconded the motion and it passed unanimously.**

The meeting was adjourned at 12:45 p.m.